



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,369	10/07/2003	Pavel V. Korchagin	20030252.ORI	4657
23595	7590	08/30/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			PICO, ERIC E	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/680,369

Applicant(s)

KORCHAGIN ET AL.

Examiner

Eric Pico

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Specification

1. The disclosure is objected to because of the following informalities: The word "for" is misspelled on Page 7, Line 20. Claim 7, Line 2 "an second elevator" is grammatically improper. Claim 16, Line 2 "to accessing" is grammatically improper.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 7, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ho (U.S. Patent# 4828072). Ho discloses a vertically mobile platform 71 for the face of a building. The vertically mobile platform 71 includes a pair for rails 12 attached to the face of a building. An elevator 70 travels on each rail. A platform 71 extends between the elevators 70 for riding up and down the face of the building when the elevators travel up and down the face of the building in unison.

4. Regarding claim 2, Ho further discloses each elevator 70 having a cog wheel 54, 86, and 89 driven by an electric motor 81 for engaging a toothed portion 21 of the rail 12 for raising and lowering the elevator 70.

5. Regarding claim 4, Ho further discloses the vertically mobile platform 71 supporting a corridor (not numbered but shown in Figure 1).

Art Unit: 3652

6. Regarding claim 7, Ho further discloses a second elevator 14 and 70 running on the rails 12 (Figure 1).

7. Regarding claim 13, Ho further discloses a method for accessing the face of a building. The method disclosed by Ho includes attaching a pair of spaced rails 12 to the face of a building (Column 3, Lines 13-18). Attaching an elevator 70 to each of the rails 12 (Column 5, Lines 55-62). Attaching a platform 71 between the elevators 70 (Column 7, Lines 10-12). Running the elevators 70 on the rails 12 up and down the face of the building in unison (Column 7, Lines 12-15) to lift and lower the platform 71 to the desired position to gain access to the surface of the building.

8. Regarding claim 14, Ho further discloses attaching a second elevator to the rails, to run up and down on the rail for accessing the face of the building, the elevator, and the platform (Column 5, Lines 55-62).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (U.S. Patent# 4828072) in view of Bates (U.S. Patent# 642779). Ho is silent concerning the disclosed platform 71 being pivotally connected to each elevator 70 and corner corridor portions attached to the elevator 70.

Art Unit: 3652

11. Bates teaches a vertically mobile platform 15 for the face of a building having platforms 15 pivotally connected 16 to each elevator 14. Regarding claim 6, Bates further teaches a corner corridor portion 14 attached to an elevator 23 for connecting to other corridor portions 14 at the corners of the building (Figure 3).

12. It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the elevators of Ho to include platforms that are pivotally connected to each elevator as taught by Bates to easily extend the between two elevators. It would also have been obvious to one of the ordinary skill in the art at the time of the invention to modify the vertically mobile platform disclosed by Ho to include corner corridor portions at the corners of the building taught by Bates to access all four sides of the building.

13. Claim 5, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (U.S. Patent# 4828072) in view of Karanouh (U.S. Patent# 6443262). Ho is silent concerning scaffold on top of a corridor and a truss for supporting a platform.

14. Karanouh teaches a scaffold on top of a corridor shown in Figure 1. Regarding claim 11, Karanouh further teaches a truss 110 for supporting a platform 115.

Regarding claim 18, Karanouh further teaches incorporating a scaffold on a corridor.

15. It would have been obvious to one of the ordinary skill in the art at the time of the invention to include a scaffold as taught by Karanouh to the top of the corridor disclosed by Ho to reach high areas above a corridor. It would also have been obvious to one of the ordinary skill in the art at the time of the invention to include trusses as taught by

Karanouh to the platform of Ho to maintain the platforms rigid structure while supporting many individuals.

16. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (U.S. Patent# 4828072) in view of Takeuchi (U.S. Patent# 6598706). Ho is silent concerning doors on a corridor. Takeuchi teaches a vertically mobile platform 1 with doors (not numbered but shown in Figure 1) on the corridor to provide access from the corridor to the building (Columns 3 and 4, Lines 66-2). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to provide doors on the corridors as taught by Takeuchi to the corridor disclosed by Ho to access the corridor from the building as well as make it possible for handicap individuals who can only exit through doors access the corridor.

17. Claims 8, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (U.S. Patent# 4828072) in view of Cox (U.S. Patent# 4098371). Ho is silent concerning an elevator with a crane running on one of the rails. Ho is also silent concerning a method comprised of attaching an elevator having a crane and attaching a pod to the crane.

18. Cox teaches the use of a carriage 21 with a crane 24 running on rails 22 and 23. Regarding claims 15 and 16, Cox further teaches a method comprised of attaching a crane 24 to a carriage 21 (Column 3, Lines 34-37) and attaching a pod 25 to the crane 24 (Column 5, Lines 38-43).

19. It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the elevator 70 disclosed by Ho to include the crane 24 and pod 25

Art Unit: 3652

as well as the methods of attaching taught by Cox to access areas from the path traveled by the elevator.

20. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (U.S. Patent# 4828072) in view of Larson (U.S. Patent# 4984321). Ho is silent concerning fireproof members. Larson teaches a corridor with fireproof insulated walls 34. Regarding claim 10, Larson further teaches a corridor with a fireproof insulated floor 16 and roof 52. It would have been obvious to one of the ordinary skill in the art at the time of the invention to provide fireproof walls, floor, and roof taught by Larson to the corridor disclosed by Ho to protect individuals on the corridor from fire.

21. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (U.S. Patent# 4828072). Ho is silent concerning a step of incorporating a corridor on a platform to protect those on the platform but discloses a corridor (not numbered but shown in Figure 1) on a platform 71. Therefore, it would have been obvious to one of the ordinary skill in the art to include the step of incorporating a corridor on a platform because these steps would result from the use of the device disclosed by Ho in its normal and expected fashion.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ho (U.S. Patent# 4887694), White, Jr. (U.S. Patent# 3878916).

Art Unit: 3652

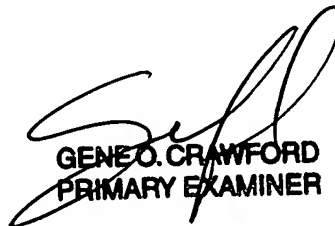
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is (571)272-5589.

The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571)272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP


GENE O. CRAWFORD
PRIMARY EXAMINER